IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 136 of 2003 (S/B)

Kirat Pal Singh S/o Late Chandi Prasad,
R/o 213, Malviya Nagar, Near Malviya Chowk,
Roorkee, District Haridwar. ……. Petitioner

Versus

District Inspector of Schools,
Haridwar & another. ……. Respondents

Mr. B.D. Upadhyaya, learned counsel for the petitoner.
Mr. Alok Singh, learned senior counsel on behalf of respondent No. 2.
Mr. K.P. Upadhyaya, learned Brief Holder on behalf of respondent No. 1.

Hon. V.S. Sirpurkar, C.J.
Hon. Irshad Hussain, J.

1. Heard learned counsel for the parties.

2. In this writ petition, the prayer is as under:

> "a writ, direction or order in the nature of mandamus directing the respondents to pay full salary to the petitioner, till the decision is taken by the District Inspector of Schools with arrears."

3. The petitioner 's suspension was initially not approved. Therefore, the Management came to this Court by way of a writ petition. This court by order dated 17.12.2002 remanded the matter to the District Inspector of Schools for writing a fresh order. That order was passed on 15.03.2003 by the District Inspector of Schools, again, reiterating his order not approving the suspension. In the meantime, however, on 6.03.2003 the petitioner filed the present writ petition, in which he has asked for the full salary, up to the day the decision is taken by the District Inspector of Schools. That decision has, admittedly, been taken on 15.03.2003. Today, it is an admitted position that full salary has been given to the petitioner by the Management up to July, 2003. It would mean that this writ petition has become infurctuous.

4. Accordingly, this writ petition is disposed of as infurctuous.

(Irshad Hussain, J) **(V.S. Sirpurkar, C.J.)**
05.10.2004 **05.10.2004**

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